

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CHERY FINNEY,

Plaintiff,

vs.

UNITED STATES MARINE CORPS,

Defendant.

CASE NO. 07CV1668-LAB (CAB)

**ORDER DENYING MOTION FOR
LEAVE TO PROCEED *IN FORMA*
*PAUPERIS***

[Dkt No. 2]

Plaintiff Chery Finney, proceeding *pro se*, has filed a Complaint alleging sexual misconduct occurring during her military service. She names the United States Marine Corps as the defendant. She has not submitted the fee required to commence a federal civil action, moving instead to proceed *in forma pauperis* ("IFP"), alleging she is financially unable to pay the filing fee. She has provided the sworn affidavit required under 28 U.S.C. § 1915(a). She states she is employed by the Marine Corps as an E-4 Corporal and reports her take-home salary is about \$1,500.00 twice monthly. She reports a present balance in her checking account of \$1,700.00. She states she owns a financed 2002 automobile and a condominium valued at \$362,000.00. She also reports having an interest in two other vehicles.

All parties commencing any civil action or proceeding in a district court of the United States (other than a habeas corpus application) must pay a filing fee of \$350.00. An action may proceed without plaintiff's prepayment of the entire fee only if the plaintiff is granted leave to proceed IFP pursuant to 28 U.S.C. § 1915(a); see *also* Civ.L.R. 3.2. Based on

1 plaintiff's affidavit, the court finds she has made an inadequate showing that indigence
2 prevents her from prepayment of the filing fee required to commence a new action in federal
3 court. Accordingly, she must promptly pay the filing fee in order to maintain this action. 28

4 U.S.C. § 1914. **IT IS HEREBY ORDERED:**

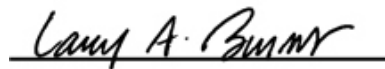
5 1. Plaintiff's Motion to proceed IFP is **DENIED.**

6 2. In order to avoid dismissal of her case, plaintiff must pay to the Clerk of Court
7 the \$350.00 filing fee no later than **October 12, 2007.**

8 3. If plaintiff fails timely to pay the filing fee, this case will be dismissed without
9 prejudice to the filing thereafter of a new Complaint accompanied by the filing fee.

10 **IT IS SO ORDERED.**

11 DATED: September 17, 2007

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13 **HONORABLE LARRY ALAN BURNS**
14 United States District Judge